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NOTICE OF ALLOWANCE AND FEE(S) DUE

22442 7590 12/02/2009

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

EXAMINER

HOEY, ALISSA L

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 12/02/2009

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,710

09/30/2004

Robert Africa

6129-14

5709

TITLE OF INVENTION: CHAMOIS FOR ATHLETIC SHORTS HAVING RELATIVELY ELASTIC PORTION AND RELATIVELY INELASTIC PORTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/02/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22442 7590 12/02/2009

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,710 09/30/2004 Robert Africa 6129-14 5709

TITLE OF INVENTION: CHAMOIS FOR ATHLETIC SHORTS HAVING RELATIVELY ELASTIC PORTION AND RELATIVELY INELASTIC PORTION

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional YES \$755 \$300 \$0 \$1055 03/02/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
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HOEY, ALISSA L 3765 002-267000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/711,710	09/30/2004	Robert Africa	6129-14	5709
22442	7590	12/02/2009	EXAMINER	
SHERIDAN ROSS PC 1560 BROADWAY SUITE 1200 DENVER, CO 80202			HOEY, ALISSA L	
			ART UNIT	PAPER NUMBER
			3765	
DATE MAILED: 12/02/2009				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 134 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 134 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/711,710	AFRICA ET AL.	
	Examiner	Art Unit	
	Alissa L. Hoey	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/14/09.
2. ☒ The allowed claim(s) is/are 13-19,50,57 and 59-67.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>08/18/09, 07/14/09, 10/31/07</u> 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other ____. |
|--|--|

/Alissa L. Hoey/
Primary Examiner, Art Unit 3765

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Traver on 11/17/09.

The application has been amended as follows:

Replace claim 13 with the following:

13. A multi-layer pad for bicycling shorts, comprising:

- a first cloth layer;

- the first cloth layer being elastic;

- a second cloth layer;

- the second cloth layer being elastic and having at least one inelastic portion;

- a first continuous foam layer;

- the first continuous foam layer coupled to the first cloth layer;

- the first continuous foam layer located between the first cloth layer and the second cloth layer and contacting the first cloth layer and the second cloth layer;

- the first continuous foam layer being elastic such that the chamois stretches;

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at least one foam pad coupled to the first continuous foam layer wherein the at least one foam pad is aligned to support at least the buttocks area of a user;

the at least one foam pad positioned between the first continuous foam layer and the second cloth layer;

the first continuous foam layer interposed between the first cloth layer and the at least one foam pad to prevent contact between the at least one foam pad and the first cloth layer; and

the at least one foam pad aligned with the at least one inelastic portion of the second cloth layer, such that the at least one foam pad is inhibited from stretching.

Replace claim 14 with the following:

14. The multi-layer pad of claim 13, wherein the at least one foam pad is inelastic.

Replace claim 15 with the following:

15. The multi-layer pad of claim 13, wherein the at least one foam pad is elastic.

Replace claim 16 with the following:

16. The multi-layer pad of claim 13, wherein at least the second cloth layer contains an anti-microbial material.

Replace claim 17 with the following:

17. The multi-layer pad of claim 13, wherein the first cloth layer comprises an inelastic portion aligned with the at least one foam pad.

Replace claim 18 with the following:

18. The multi-layer pad of claim 14, wherein the at least one foam pad is denser than the first continuous foam layer.

Replace claim 19 with the following:

19. The multi-layer pad of claim 14, wherein the at least one foam pad comprises multiple densities at least one of which is denser than the first continuous foam layer.

Replace claim 50 with the following:

50. The multi-layer pad of claim 13, wherein the chamois is flexible.

Replace claim 57 with the following:

57. The multi-layer pad of claim 13, further comprising the first continuous foam layer coupled to the second cloth layer.

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Replace claim 59 with the following:

59. A multi-layer pad for cycling shorts configured to support at least the buttocks area of a user, comprising:

first and second elastic cloth layers, wherein the second elastic cloth layer has at least one inelastic portion;

a continuous foam layer positioned between and in contact with the first and second elastic cloth layers, wherein the continuous foam layer is coupled to the first and second elastic cloth layers;

at least one foam pad positioned between the continuous foam layer and the second elastic cloth layer, wherein the at least one foam pad is coupled to the continuous foam layer, wherein the continuous foam layer is interposed between the at least one foam pad and the elastic cloth layer to prevent the at least one foam pad from contacting the first elastic cloth layer and wherein the at least one foam pad is aligned with the at least one inelastic portion to inhibit the at least one foam pad from stretching and wherein the at least one foam pad is aligned to support at least the buttocks area of a user.

Replace claim 60 with the following:

60. The multi-layer pad of claim 59, wherein at least one of the following is true:

- i) the at least one foam pad is elastic;
- ii) the at least one foam pad is inelastic;
- iii) the at least one foam pad is denser than the first continuous foam

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layer; and

iv) the at least one foam pad comprises multiple densities, wherein at least one of the multiple densities is denser than the first continuous foam layer.

Replace claim 61 with the following:

61. The multi-layer pad of claim 59, wherein the chamois is flexible.

Replace claim 62 with the following:

62. The multi-layer pad of claim 59, wherein at least the second elastic cloth layer contains an anti-microbial material.

Replace claim 63 with the following:

63. The multi-layer pad of claim 59, wherein the first elastic cloth layer comprises at least one inelastic portion aligned with the at least one foam pad.

Replace claim 64 with the following:

64. A multi-layer pad for cycling shorts configured to support at least the buttocks area of a user, comprising:

first and second elastic cloth layers, wherein the second elastic cloth layer has at least one inelastic portion;

a continuous foam layer positioned between and in contact with the first

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and second elastic cloth layers, wherein the continuous foam layer is coupled to the first and second elastic cloth layers;

at least one foam pad positioned between the continuous foam layer and the second elastic cloth layer, wherein the at least one foam pad is:

- a) coupled to the continuous foam layer,
- b) aligned with the at least one inelastic portion to inhibit the at least one foam pad from stretching,
- c) prevented from contacting the first cloth layer by the interposition of the continuous foam layer between the first elastic cloth layer and the at least one foam pad,
- d) one of a inelastic or elastic material,
- e) denser than the first continuous foam layer, and
- f) aligned to support at least the buttocks area of a user.

Replace claim 65 with the following:

65. The multi-layer pad of claim 64, wherein the first cloth layer comprises at least one inelastic portion aligned with the at least one foam pad.

Replace claim 66 with the following:

66. The multi-layer pad of claim 64, where the chamois is flexible and wherein the at least the second cloth layer contains an anti-microbial material.

Replace claim 67 with the following:

67. The multi-layer pad of claim 64, wherein the foam pad comprises multiple densities and wherein at least one of the multiple densities is denser than the first continuous foam layer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Alissa L. Hoey/
Primary Examiner, Art Unit 3765